

REMARKS

Applicants thank the Examiner for the Office Action of January 6, 2010. This Amendment is in full response thereto. Thus, Applicants respectfully request continued examination and allowance of the application.

Claims 12-21 are pending in this application.

Claim Rejections Under 35 U.S.C. § 112:

Claims 12-20 and 21 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of these claims has been amended to remedy any lack of antecedent basis. Thus, the rejection may be withdrawn.

Double Patenting

Claims 12-21 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-49 of U.S. Patent No. 6,910,879 (Dugue, et al.) in view of US 6,422,041 (Simpson, et al.) or US 6,699,029 (Kobayashi, et al.). Applicants respectfully traverse because claims 1-49 of Dugue, et al., the disclosure of Simpson, et al., and the disclosure of Kobayashi, et al. fail to suggest all of the limitations of the claims as amended.

In an effort to more particularly describe an aspect of the claimed subject matter, Applicants have amended claim 12 to require that the first primary jet of oxidizer be injected in a center of the jet of fuel *along an axis of the jet of fuel*. Support for this Amendment in the single Figure.

To the extent that the examiner has addressed the central primary jet limitation, the examiner has pointed to Simpson, et al. Simpson, et al., however, does not disclose injection of an oxidant in the center of the fuel along an axis of the fuel jet. Rather, Simpson, et al. discloses injection of an oxidant in an annular space inside the annular fuel injection that does not contain the axis of the jet of fuel.

Applicants have also amended claim 12 to require that the primary jet of oxidizer represent between 2% and 50% of a total quantity of oxidizer combusted. Neither Dugue, et al., Simpson, et al., nor Kobayashi, et al. discloses, teaches or suggests this limitation.

Thus, the rejection may be withdrawn.

First Claim Rejection Under 35 U.S.C. § 102

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6,422,041 (Simpson, et al.). Applicants respectfully traverse because Simpson, et al. fails to disclose, teach or suggest all of the claim limitations, including:

- injection of a first primary jet of oxidizer in a center of the jet of fuel *along an axis of the jet of fuel* as described above, or
- the primary jet of oxidizer represents between 2% and 50% of a total quantity of oxidizer combusted.

Thus, the rejection may be withdrawn.

Second Claim Rejection Under 35 U.S.C. § 102

Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,699,029 (Kobayashi, et al.). Applicants respectfully traverse because Kobayashi, et al. fails to disclose, teach or suggest all of the claim limitations, including a primary jet of oxidizer that represents between 2% and 50% of a total quantity of oxidizer combusted.

Thus, the rejection may be withdrawn.

First Claim Rejection Under 35 U.S.C. § 103:

Claims 13-16, 20 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over USPN 6,699,029 (Kobayashi, et al.). Applicants respectfully traverse because Kobayashi, et al. fails to disclose, teach or suggest all of the claim

limitations, including a primary jet of oxidizer that represents between 2% and 50% of a total quantity of oxidizer combusted.

Thus, the rejection may be withdrawn.

Second Claim Rejection Under 35 U.S.C. § 103:

Claims 12-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Pub. 2004/0157178 (Dugue, et al.) in view of USPN 6,699,029 (Kobayashi, et al.). Applicants respectfully traverse because neither Dugue, et al. nor Kobayashi, et al. discloses, teaches or suggests all of the claim limitations, including a primary jet of oxidizer that represents between 2% and 50% of a total quantity of oxidizer combusted.

Thus, the rejection may be withdrawn.

CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the examiner believe a telephone call would expedite the prosecution of the application, he/she is invited to call the undersigned attorney at the number listed below.

It is not believed that any fee is due at this time. If that belief is incorrect, please debit deposit account number 01-1375. Also, the Commissioner is authorized to credit any overpayment to deposit account number 01-1375.

Respectfully submitted,

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